

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re: TESTOSTERONE)	
REPLACEMENT THERAPY)	Case No. 14 C 1748
PRODUCTS LIABILITY LITIGATION)	MDL No. 2545
)	
This Document Relates To:)	Hon. Judge Matthew F. Kennelly
)	
<i>Louie Malek v. AbbVie Inc., et al.;</i>)	
Case No. 1:17-cv-03832)	

**NOTICE OF PLAINTIFFS' FAILURE TO OPPOSE MOTION TO DISMISS WITH
PREJUDICE PURSUANT TO CASE MANAGEMENT ORDER NO. 9**

Defendants Eli Lilly and Company, Lilly USA, LLC, Acrux Commercial Pty Ltd. and Acrux DDS Pty Ltd. ("Defendants") respectfully request that the court grant their motion to dismiss this case in its entirety with prejudice.

As indicated in the moving papers filed on October 19, 2017, Plaintiffs failed to provide a plaintiff's fact sheet as required by Second Amended Case Management Order (CMO) 9 within the time required and still failed to do so after Defendants' counsel served a warning letter as provided in CMO 9. Plaintiffs have failed to respond to the motion to dismiss within the time required by CMO 9, E.2.c, and have not sought an extension of time.

WHEREFORE, Defendants respectfully request that this Court enter an Order dismissing Plaintiff Louie Malek's case with prejudice and awarding such other relief as the Court deems just and proper.

Dated: November 10, 2017

By: /s/ David E. Stanley

David E. Stanley (*pro hac vice*)
REED SMITH LLP
355 S. Grand Avenue, Suite 2900
Los Angeles, CA 90071
Phone: (213) 457-8000
Email: dstanley@reedsmith.com

*Attorneys for Eli Lilly and Company and
Lilly USA, LLC, Acrux Commercial Pty
Ltd.; and Acrux DDS Pty Ltd.*

CERTIFICATE OF SERVICE

I, David E. Stanley, hereby certify that on the 10th of November, 2017, the foregoing was filed via the Court's CM/ECF system, which will automatically serve and send notification of such filing to all registered attorneys of record. A courtesy copy was also served via email to Michelle L. Kranz, at Pservice@toledolaw.com.

/s/ David E. Stanley
David E. Stanley